

Proposed Amendments
North Dakota Air Pollution Control Rules
Revision Summary

The following summarizes the proposed changes to the North Dakota Air Pollution Control Rules:

Chapter 33-15-01 - General Provisions

Section 33-15-01-04 - The baseline date for incorporation by reference of the definition of "volatile organic compounds" is being updated to January 1, 2006.

Chapter 33-15-04 - Open Burning Restrictions

Section 33-15-04-01 - This section is being updated to clarify that the burning of trade waste is not allowed.

Section 33-15-04-02 - This section is also being updated to clarify that the burning of trade waste is not allowed.

The reference to the North Dakota Rural Fire Contingency Plan is being removed since this document no longer exists.

The section is being changed to limit approval of open burning to abate a fire hazard by the Department or its designee.

An addition to this section requires State and Federal agencies that conduct prescribed burning to submit an annual report upon request by the Department.

The reference to notification of the Department when the fire safety index is "very high" in Subdivision 2.k. is being replaced with a more general requirement that prohibits open burning when a burning ban is declared by State or local officials. This subdivision was then relocated to beginning of the section.

Chapter 33-15-12 - Standards of Performance for New Stationary Sources

Section 33-15-12-01.1 [p. 12-1] - The baseline date for incorporation by reference is being updated to January 31, 2006.

Section 33-15-12-02 - Several subparts are being deleted since they are not required to effectively operate the Air Pollution Control Program.

Subpart HHH - Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units is being incorporated by reference.

Chapter 33-15-13 - Emission Standards for Hazardous Air Pollutants

Section 33-15-13-01.1 [p. 13-1] - The baseline date for incorporation by reference is being updated to January 31, 2006.

Section 33-15-13-02 [p. 13-3] - Several subparts are being deleted since they are not required to effectively operate the Air Pollution Control Program.

Chapter 33-15-14 - Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate

Subsection 33-15-14-02.13 [p. 14-18] - Changes are being made to the exemption from permitting requirements for certain internal combustion engines. Engines used on emergency equipment that have the potential-to-emit less than 40 tons per year when operated 500 hours per year are now exempt.

On page 14-21, the reference to Subdivision n. is being removed.

Chapter 33-15-16 - Restriction of Odorous Air Contaminants

Section 33-15-16-02 [p. 16-2] - Several changes are being made to update the rule to match changes made by the 2005 Legislature to NDCC 23-25-11.

Section 33-15-16-02.1 - The time duration for determining the violation has been changed from 60 minutes to 2 hours to be consistent with legislative changes.

Chapter 33-15-17 - Restriction of Fugitive Emissions

Subsection 33-15-17-02.5 is being added to protect visibility in Class I Federal Areas.

Chapter 33-15-21 - Acid Rain Program

Section 33-15-21-08.1, 09 & 10 [p. 21-2 & 3] - The baseline date for incorporating by reference is being updated to January 31, 2006. Language is also added to incorporate by reference the appendices of 40 CFR 72 and 75.

Chapter 33-15-22 - Emission Standards for Hazardous Air Pollutants for Source Categories

Section 33-15-22-01 [p. 22-1] - The baseline date for incorporation by reference is being updated to January 31, 2006.

Section 33-15-22-03 - Several subparts are being deleted because they are not necessary to effectively operate the program. The following subparts from 40 CFR 63 are being incorporated by reference.

Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.

Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.

Chapter 33-15-23 - Fees

Subsection 33-15-23-04.5 - An exemption from the Title V fees is provided for local governments.

Chapter 33-15-25 - Regional Haze Requirements

This is an entirely new chapter. It addresses the requirements upon the State found in 40 CFR 51.300-.308.

Section 33-15-25-01 - This section incorporates by reference the definitions in 40 CFR 51.301. It also adds a definition for "boiler operating day". This definition is required by 40 CFR 51, Appendix Y, Section V. The definition of "contributes to visibility impairment" is based on guidance in 40 CFR 51, Appendix Y, Section III.

Section 33-15-25-02 - This section requires the submission of Best Available Retrofit Technology (BART) analyses by affected sources, the installation of BART equipment and the operation and maintenance of BART equipment.

Section 33-15-25-03 - This section incorporates by reference 40 CFR 51, Appendix Y and requires its use.

Section 33-15-25-04 - This requires monitoring, recordkeeping and reporting by sources that are required to install BART.